

QUESTION NO. 1

Amendment to the Nevada Constitution

Assembly Joint Resolution No. 13 of the 68th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to establish procedures for resolving conflicts between constitutional amendments or new state laws that are approved by the voters at the same statewide election?

Yes ☐

No ☐

EXPLANATION

It is possible to have more than one ballot question on the same topic at a statewide election. Currently, the Nevada Constitution provides for the resolution of conflicts if two or more amendments to the Constitution are sent to the voters by the Legislature. However, no similar procedures exist for resolving conflicts between proposed amendments to the Constitution or new state laws that are submitted to the voters by initiative petition. Further, procedures are lacking for resolving conflicts between legislative proposals and initiative proposals that are on the same ballot.

Assembly Joint Resolution No. 13 of the 68th Session proposes comprehensive procedures to address conflicting measures on the same ballot. In general, two or more proposals on the same topic that are approved by the voters at the same statewide election all go into effect if there is no contradiction in substance. If two or more proposals are approved by the voters that contradict in substance, only the proposal receiving the largest favorable vote goes into effect. Further, procedures are established to resolve an issue if competing proposals receive the same number of votes and to resolve conflicts between constitutional amendments that appear on consecutive general election ballots.

ARGUMENTS FOR PASSAGE

Although it is uncommon for separate ballot questions on the same topic to appear on the same statewide ballot, it happened as recently as 1996. This proposal establishes comprehensive procedures to deal with all possible events. It is better to have specific procedures as part of the Nevada Constitution than to leave such matters up to determination by the courts.

Further, this proposal is fair because it is based on the concept that when conflicting proposals are approved by the voters, only the one that receives the greatest number of votes goes into effect.

A "Yes" vote would amend the Nevada Constitution and establish procedures for resolving conflicts between constitutional amendments or new state laws that are approved by the voters at the same statewide election.

ARGUMENTS AGAINST PASSAGE

The Nevada Constitution should not be further complicated by adding procedures that are not really essential. If differing proposals are approved by the voters at the same election, the issues can be referred to the courts for a final determination. The operation of mechanistic rules may not be the best way to resolve conflicts between two ballot questions, both of which may have received the approval of the majority of voters.

A "No" vote would bar the establishment of constitutional procedures for resolving conflicts between constitutional amendments or new state laws that are approved by voters at the same statewide election.

FISCAL NOTE

Financial Impact - No. The proposal to amend the Nevada Constitution would establish procedures for resolving conflicts between constitutional amendments or new state laws that are approved by the voters at the same statewide election. Approval of this proposal would have no adverse fiscal effect.